

~~Case 1:17-cv-01694-PKC-SMG Document 13 Filed 07/14/17 Page 1 of 10~~

UNITED STATES DISTRICT COURT
~~SOUTHERN~~ DISTRICT OF NEW YORK
EASTERN

 ORIGINAL

Jose Pizarro

17 cv 01694 (PKC-SMG)

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

AMENDED
COMPLAINT
(Prisoner)

N.Y.P.D., N.Y.C.D.O.C., The
City of New York, Bill Bratton
Former NYPD Comm, DEVID BAKER
#28634 moloney #10143 Genevieve Taylor et, al

Do you want a jury trial?
☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JUL 14 2017 ★

BROOKLYN OFFICE

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Jose PIZASCO
 First Name Middle Initial Last Name

N/P
 State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

8951601897
 Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

A.M.K.C. Riker Island
 Current Place of Detention

18-18 Hazen street
 Institutional Address

EAST ELMHURST N.Y. 11370
 County, City State Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:	N.Y.P.D.		
	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	1 Police PLAZA		
	Current Work Address		
	County, City	State	Zip Code
Defendant 2:	N.Y.C. D.O.C.		
	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	75-20 Astoria Blvd		
	Current Work Address		
	East Elmhurst NY 11370		
	County, City	State	Zip Code
Defendant 3:	Elliot Colon Commander		
	First Name	Last Name	Shield #
	Chief Commander		
	Current Job Title (or other identifying information)		
	Current Work Address		
	County, City	State	Zip Code
Defendant 4:	Brooklyn Defender Services		
	First Name	Last Name	Shield #
	Current Job Title (or other identifying information)		
	177 Livingston Street 7th Fl		
	Current Work Address		
	Bklyn NY 11201		
	County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence:

87 Lossiane Street

Date(s) of occurrence:

2/17/16

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On 2/17/16 I was smoking A Cigarette in the HALLWAY OF 87 Lossiane. I WAS approached by NYPD officers Devin Baker shield #28634 And officer Joseph moloney shield #10143. They did not Ask for I.D. They just told me to Put my hands behind my back and turn around. Their guns was drawn so I complied. I ask the officers why I WAS being arrested. They told me to shut the fuck up and wait to I get to the Precient. When I was at the Precient. I ask the desk Sargent what I was being arrested for and He said For Harassment A complaint that was Filed 1/19/16 by Genieve Taylor. I told officers That it had to be a mistake because on that Date I was living in P.A. I showed my arresting officers my Pay stubs I had Proving that I was working in

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P.A. on said Date and my Drivers License From P.A. Proves also that I was Not a resident of N.Y.C.! My legal attorneys withheld this information from me and the courts! Genevieve Taylor falsely Accused me of Harassment and defamed my character! Also Chief Elliot Colon of The NYPD Falsey accused me and defamed my character in a interview he gave with A local News Paper!

~~INJURIES:~~

Relief

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Plaintiff seeks damages of Pain and Suffering in its individual capacity and official capacity From each defendants For Five(5) million dollars.

Plaintiff also seeks Punitive damages in its individual capacity and official capacity From each defendant For (10) ten million dollars for the sum of (470) Four Hundred Seventy million dollars.

VI. ~~RELIEF~~ Injuries ↓

State briefly what money damages or other relief you want the court to order.

Since my incarceration on Rikers Island I have been attack by inmates and officers. I Now have metal Plates and screws in my knee after having major surgery. My lung collapses and had a chest tube in my chest. From the result of Poor medical treatment by P.O.C. I'm suffering From mental Health issues such as depression. Insomnia and P.T.S.D In which I am receiving medication and treatment.

FACTS: Page (2)

A week After my Arrest I contacted my Job in P.A. in order To send me copies of All The days I work From 8/30/16 To JAN 1/31/16. I recieved From my Employer in P.A. copies of my time cards And A letter stating that I was At work At the time of SAId incident Regarding 1/19/16 HARRASSMENT claim by Genevieve Taylor. I Sent this Information to my attorney Daniel Derby And the District Attorney office. Jamie Bucke my Attorney After Daniel Derby Had this Information Too And it was Passed on to HARVEY Herbert Also! The D.A. office maliciously Procecuted me knowing of my Innocense. And my Attorney looked the other way And did Not Introduced this information to the court And Allowed me to stay in Jail For 8month before the Judge Threw the case out and dismissed The charges against me.

Facts: (3) Page

Officers Baker And moloney Claim that A I-Card was issued for this Harassment case by Geneieve Taylor. A I-card by law is as stated Its an investigation card Not a warrant for A arrest! NYPD officer did not investigate or interrogate me about said Incident. They just arrested me illegally and charge me with the crime. In A newspaper article in A local News Paper Chief Commander Elliot Colon of The NYPD. Stated That I was Harassing EX-girlfriend Geneieve Taylor by Stalking Her. my Evidence Proves that I was not living in NYC. At the time of claimed Incident.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

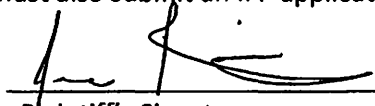
By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>6/25/17</u>		<u></u>
Dated		Plaintiff's Signature
<u>Jose</u>		<u>PIZARRO</u>
First Name	Middle Initial	Last Name
<u>18-18 Hazen street</u>		
Prison Address		
<u>EAST E/m Hurst</u>	<u>n.y.</u>	<u>11370</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

6/25/17

EXHIBIT C

MK Jose Prado 1601897 1978 West
18-18 Hazen Street
East Elmhurst, N.Y. 11370

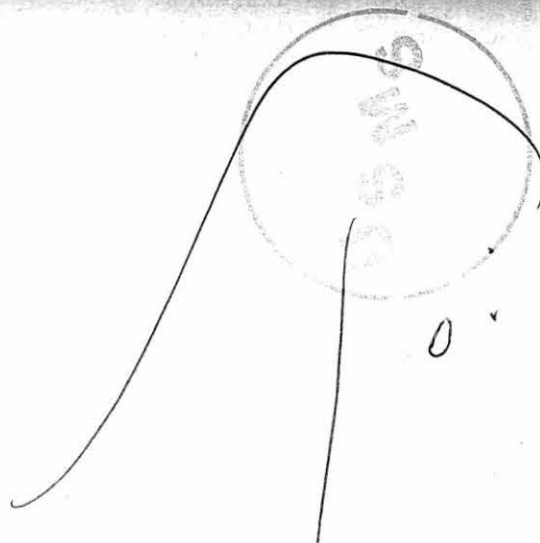
Legal mail



1000



11201



United State District C
Eastern District of New Y
Clerk of Court
Douglas C. Palmer
225 CADMAN PLAZA EAS
Bklyn, N.Y. 11201